

Mr. Nolan Greak  
Attorney at Law  
8008 Slide Road, Suite 30  
Lubbock, Texas 79424-2828  
(806) 783-0081 (Telephone)  
(806) 783-0045 (Facsimile)  
State Bar No. 08343200  
ATTORNEY FOR CATERPILLAR FINANCIAL SERVICES CORPORATION

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
WICHITA FALLS DIVISION

IN RE:	§	
	§	
TRAVIS BRYCE PORTER and	§	CASE NO. 09-70489-HDH-13
HEATHER KATHLEEN PORTER	§	Objection to Confirmation
	§	Set: November 18, 2009
DEBTORS	§	Pre-Hearing Conference at 8:30 a.m.

**CATERPILLAR FINANCIAL SERVICES CORPORATION'S OBJECTION TO  
CONFIRMATION OF DEBTORS' CHAPTER 13 PLAN AND VALUATIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES CATERPILLAR FINANCIAL SERVICES CORPORATION (hereinafter "Caterpillar"), objecting to the confirmation of the Chapter 13 Plan and valuations proposed by TRAVIS BRYCE PORTER and HEATHER KATHLEEN PORTER (hereinafter "Debtors") and for cause of action would respectfully show the Court as follows:

1. Caterpillar is a secured creditor of Debtors and has a perfected security interest in the following described equipment:

Caterpillar CP-563E, Soil Drum Compactor, Serial Number CNT00448  
Caterpillar D6TXL, Track Type Tractor, Serial Number LAY01050

As of the date of filing, Caterpillar was owed \$51,592.98 on the Caterpillar CP-563E, Soil Drum Compactor, Serial Number CNT00448, plus interest, and was owed \$344,964.57 on the Caterpillar D6TXL, Track Type Tractor, Serial Number LAY01050, plus interest, plus reasonable and necessary attorney's fees incurred in this matter of \$1,500.00.

2. Caterpillar's Objection to Confirmation is:

a. The value of \$45,000.00 is too low. Caterpillar would show the Court that the minimum value of such equipment is \$59,625.00.

b. The value of \$165,000.00 is too low. Caterpillar would show the Court that the minimum value of such equipment is \$187,500.00.

3. Debtors do not provide for payment of Caterpillar's unsecured claims, and Debtors, according to the Trustee's Objection to Confirmation, have approximately \$334,820.00 equity in non-exempt property. Therefore, the Chapter 13 Plan must provide for payment of all unsecured claims and it does not.

4. Caterpillar alleges the feasibility of the proposed plan base cannot be determined until all secured claims have been treated and a correct non-exempt property has been acknowledged.

5. Caterpillar objects to Debtors' Chapter 13 Plan in accordance with 11 U.S.C. 1325 (a) (6) as the plan will not pay as proposed.

WHEREFORE, PREMISES CONSIDERED, Caterpillar prays for an Order of this Court:

1. Denying Confirmation of Debtors' Chapter 13 Plan as proposed;

2. That the CP-563E, Soil Drum Compactor, Serial Number CNT00448 be valued at a minimum of \$59,625.00;

3. That the Caterpillar D6TXL, Track Type Tractor, Serial Number LAY01050 be valued at a minimum of \$187,500.00;

4. That the Debtors provide for payment of Caterpillar's unsecured claims;

5. For such other and further relief, both general and specific, to which Caterpillar may show itself justly entitled.

Respectfully submitted,

NOLAN GREAK  
Attorney at Law  
8008 Slide Road, Suite 30  
Lubbock, Texas 79424-2828  
806/783-0081 (Telephone)  
806/783-0045 (Facsimile)

By: 

Nolan Greak  
State Bar No. 08343200

**CERTIFICATE OF DELIVERY**

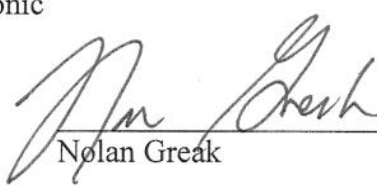
I hereby certify that on the 12<sup>th</sup> day of November, 2009, a true and correct copy of the above and foregoing instrument was served via ECF as follows:

Monte J. White  
Monte J. White & Associates, P.C.  
1106 Brook Avenue  
Hamilton Place  
Wichita Falls, Texas 76301

Walter O'Cheskey  
Bankruptcy Trustee  
6308 Iola Avenue  
Lubbock, Texas 79424

U.S. Trustee  
1100 Commerce Street. Room 976  
Dallas, Texas 75242-1496

All parties in interest registered with the  
U.S. Bankruptcy Court to receive electronic  
Notices in this case.

  
Nolan Greak